

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE INTRODUCTION AND ADMINISTRATION ELEMENT (TO REVISE LANGUAGE ESTABLISHING THE DIGITAL FUTURE LAND USE ATLAS AS THE OFFICIAL VERSION); AMENDING THE FUTURE LAND USE ELEMENT (TO REVISE AND UPDATE; TO REVISE TEXT TO REFLECT CONVERSION TO THE DIGITAL FUTURE LAND USE ATLAS; TO REVISE TABLE 2.1-2 TO CLARIFY NON-RETAIL USES; AND TO MODIFY LANGUAGE IN POLICY 1.2.2-A REGARDING REDEVELOPMENT AND INFILL REQUIREMENTS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27 and March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 19, 2004 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 24, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Introduction and Administration Element, To revise language establishing the Digital Future Land Use Atlas as the official version; and
- B. Future Land Use Element, To revise and update; to revise text to reflect conversion to the Digital Future Land Use Atlas; to revise Table 2.1-2 to clarify non-retail uses; and to modify language in Policy 1.2.2-a regarding redevelopment and infill requirements.
- C. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

1                   Part III. Severability

2                   If any section, paragraph, sentence, clause, phrase, or word of  
3                   this Ordinance is for any reason held by the Court to be  
4                   unconstitutional, inoperative or void, such holding shall not affect  
5                   the remainder of this Ordinance.

6                   Part IV. Inclusion in the 1989 Comprehensive Plan

7                   The provision of this Ordinance shall become and be made a part  
8                   of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
9                   Ordinance may be renumbered or relettered to accomplish such, and the  
10                  word "ordinance" may be changed to "section," "article," or any other  
11                  appropriate word.

12                  Part V. Effective Date

13                  The effective date of this plan amendment shall be the date a  
14                  final order is issued by the Department of Community Affairs or  
15                  Administration Commission finding the amendment in compliance in  
16                  accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
17                  applicable. No development orders, development permits, or land uses  
18                  dependent on this amendment may be issued or commence before it has  
19                  become effective. If a final order of noncompliance is issued by the  
20                  Administration Commission, this amendment may nevertheless be made  
21                  effective by adoption of a resolution affirming its effective status,  
22                  a copy of which resolution shall be sent to the Florida Department of  
23                  Community Affairs, Division of Community Planning, Plan Processing  
24                  Team. An adopted amendment whose effective date is delayed by law  
25                  shall be considered part of the adopted plan until determined to be  
26                  not in compliance by final order of the Administration Commission.



1 Then, it shall no longer be part of the adopted plan unless the local  
2 government adopts a resolution affirming its effectiveness in the  
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of Palm  
5 Beach County, on the 24 day of August, 2004.

6  
7 ATTEST:

8 DOROTHY H. WILKIN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

9  
10 By: Linda C. Beckman  
11 Deputy Clerk

12 By: Karen T. Marcus for  
13 Karen T. Marcus, Chair

14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

15  
16 [Signature]  
17 COUNTY ATTORNEY

18  
19 Filed with the Department of State on the 30 day of  
20 August, 2004.

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23

## EXHIBIT 1

### A. Introduction and Administration Element, Digital Future Land Use Atlas (FLUA)

**REVISIONS:** To revise and update. The revisions are shown with the added text underlined and the deleted text ~~struck-out~~.

### C. Official Plan Map

**REVISED** As of January 1, 2005, ~~the Future Land Use Atlas on file at~~ consisting of a series of digital geographic information system (GIS) layers maintained by the Department of Planning, Zoning and Building using spatial data engine (SDE) technology is the Official Future Land Use Plan Map. The adopted features of the Atlas consists of a series of individual sheets at a scale of 1" = 600' depicting the boundaries of the land use classifications, as well as their respective sub-categories the following digital layers: the future land use designations for all parcels in unincorporated Palm Beach County, adopted future land use amendments, the Managed Growth tier boundaries, Service Areas, and adopted Special Overlays. None of the adopted features depicted on the Atlas may be modified without a Comprehensive Plan amendment. In addition to these adopted features, the Atlas contains administrative layers that may be modified without a Plan amendment. Administrative layers include: parcel lines, roadways, water features, section lines, municipal boundaries and notes. However, if a note was added to the Atlas by ordinance, it shall only be removed or modified through the adoption of a Plan amendment. All disputes regarding future land use boundaries will be decided using the Future Land Use Atlas and the Criteria detailed in Figure 4 Table 2.2.2-1 of the Implementation Section of the Future Land Use Element. The Future Land Use Element is the basis for all other Comprehensive Plan elements and reflects the Goals, Objectives and Policies of these other elements. The Future Land Use Atlas is one component of the Comprehensive Plan Map Series.

Prior to January 1, 2005, the Future Land Use Atlas continues to consist of a series of individual sheets at a scale of 1" = 600' on file at the Department of Planning, Zoning and Building, depicting the boundaries of the land use classifications, as well as their respective sub-categories.

### Definitions Section

**REVISED FUTURE LAND USE ATLAS** - The official depiction of the boundaries of ~~the Tiers;~~ future land use designations, ~~as well as their respective sub-categories' intensity level designations,~~ and underlying/alternative land uses; ~~special overlays, the Urban, Limited Urban, and Rural Service Areas.~~

### B. Future Land Use Element, Digital Future Land Use Atlas (FLUA), Maximum Floor Area Ratio (FAR), Future Land Use Element (FLUE) revisions

**REVISIONS:** To revise and update. The revisions are shown with the added text underlined and the deleted text ~~struck-out~~.

### I. Introduction A. Purpose

**REVISED The Future Land Use Atlas.** The Future Land Use Atlas graphically depicts the future distribution, ~~general use and~~ land use designations densities and intensities of the use of the land within each tier for all parcels of land in unincorporated Palm Beach County. Overall, ~~it~~ The Atlas is based on the amount of land required to accommodate the projected growth, based on past population trends and future population projections, while allowing for a diversity of lifestyle choices and ensuring protection of the County's natural resources.

### Objective 1.1 Tier Designation and Re-designation

**REVISED 1. Urban/Suburban Tier:** The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the ~~Future Land Use Atlas adopted as part of the 1989 Comprehensive Plan~~ Service Areas Map in the Map Series. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.

**REVISED Policy 1.2.2-a:** To encourage redevelopment and infill, the county shall allow parcels of land that cannot fulfill the minimum acreage requirements for a Planned Development to develop consistent with the character, intensity, and density of the: 1) Existing built environment; and/or 2) Potential built environment, whose density is calculated at the standard density permitted by the land use designation(s) applicable to this environment, provided that:

1. The parcel: 1) does not exceed 12 acres in size for a property designated LR-1, LR-2, LR-3, or MR-5; and 2) Is less than 10 acres in size for a property designated HR-8, HR-12, and HR-18.
2. The proposed development does not exceed the maximum density or intensity permitted by the applicable future land use designation; and,
3. The proposed development can meet the requirements of concurrency.



**TABLE 2.1-2**  
**Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories**  
**and Non-Residential Uses**

Future Land Use	FLU Category	Tier				
		Urban/Suburb	Exurban	Rural	Ag Reserve	Glades
Residential	All Residential Categories	.35 (Low Density) .45 (Medium & High Density)	.20	.20	.15	.20
Agriculture	AP	not allowed	not allowed	not allowed	not allowed	.10
	SA	.15	.15	.15	.15	.15
	AgR	not allowed	not allowed	not allowed	.15	not allowed
Commercial Low (Neighborhood Commercial)	CL-O	.35	.20	.20	.20 <sup>5</sup>	.20
	CL	.20 w/o PDD <sup>1,3</sup> .25 w/ PDD <sup>1,3</sup> <del>.50 non-retail only</del>	.10 1.0 w/ TMD	.10 1.0 w/ TMD	.10 <sup>5</sup> .40 w/ TMD <sup>4</sup>	.10
Commercial High (Community or Regional Commercial)	CH-O	.35 w/o PDD .50-.85 w/ PDD <sup>2</sup>	not allowed	not allowed	not allowed	not allowed
	CH	.35 w/o PDD <sup>1</sup> .50-.85 w/ PDD <sup>2</sup> .85-1.0 <sup>3</sup>	not allowed	not allowed	not allowed	not allowed
Industrial	IND	.45	not allowed	not allowed	.45	.45
	EDC	.45	not allowed	not allowed	not allowed	not allowed
Commercial Recreation		.10-.50	not allowed	.05	.05	.05
Parks & Recreation		.10-.45	.10	.10	.10	.10
Conservation		.05	.05	.05	.05	.05
Institutional & Public Facilities		.1-.45	.20	.10	.10	.10
Transportation & Utilities		.10-.45	.10	.05	.05	.05
Traditional Town Development		1.0	not allowed	not allowed	not allowed	not allowed

**Notes:**

1. For Commercial Low (CL) and Commercial High (CH), the maximum allowable FAR for ~~non-retail~~ medical or professional offices and self-storage projects is .50.
2. For Commercial High (CH) and Commercial High Office (CH-O), the maximum allowable FAR is .50 for MUPD, and .85 for MXPD, as defined in the ULDC.
3. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for: infill development; mixed-use development (MXPD); Traditional Neighborhood Development (TND); Traditional Market Place Development (TMD); or Traditional Town Development (TTD).
4. For Ag Reserve TMDs the FAR is calculated on the total area of the development, including both the developed and preserve area.
5. Only future land use designations of Commercial Low located in the Agricultural Reserve Tier and approved prior to January, 2002, shall be allowed to develop at this FAR.

**REVISED Policy 2.1-g:** The future land use designation for individual parcels shall be shown on The Official Future Land Use Atlas (FLUA). ~~The FLUA is kept on file at maintained by the Planning, Zoning and Building Department and maintained by the Planning Division.~~ The Atlas shall depict the following information as referenced in the Comprehensive Plan: the future land use designations ~~or categories~~ for all parcels in unincorporated Palm Beach County, including underlying/ alternative land uses; the Tier boundaries; Service Areas; and special overlays; and, appropriate notations referencing the Tier as depicted on the Managed Growth Tier Map contained in the Comprehensive Plan Map Series.

**REVISED Policy 2.2.2-c:** The Additional Criteria for Determining the Depth, Width, and Use for Commercial and Industrial Designations Table 2.2.2-1 is established in order to provide direction for commercial and industrial Future Land Use Atlas determinations on individual parcels.

**REVISED Policy 2.5-g:** 4. Site planning considerations shall allow for the preservation of open space corridors, without removing permitted density or intensity of land to be developed, in instances where land cannot be acquired in corridors identified on the "Greenways and Linked Open Space Program", as depicted on the Linked Open Space Map ~~Future Land Use Atlas~~.

**REVISED Policy 3.2-a:** The Urban Service Area shall consist of the Urban/Suburban Tier and its official boundaries shall be depicted on the Service Areas Map ~~and the Future Land Use Atlas~~ in the Map Series. The Urban Service Area shall be defined to include those areas in which the County anticipates the extension of urban services through the long range planning horizon.

**REVISED Policy 3.3-a:** The official boundaries of each LUSA shall be depicted on the Service Areas Map ~~and the Future Land Use Atlas~~ in the Map Series ~~upon designation through a Plan amendment~~.

**REVISED Policy 3.4-a:** The Rural Service Area shall include those areas of the County where the extension of urban levels of service is neither foreseen during the long range planning horizon nor warranted by the development patterns or densities or intensities allowed. ~~It~~ The official boundaries of the Rural Service Area shall be depicted on the Service Areas Map ~~and the Future Land Use Atlas~~ in the Map Series.

### III. Implementation A. Land Use Designation 2. Commercial

**DELETED Commercial Categories:** ~~Any application for a special exception or a conditional use on a property possessing valid Commercial zoning prior to 1989 Plan adoption, must demonstrate compliance with Criteria #4 and #6 in Policy 2.2.2 b prior to being certified as consistent with the Comprehensive Plan.~~

### III. Implementation H. Map Interpretation

**REVISED Non-residential boundary determinations.** In some cases, rear portions of lots intended to be designated Commercial or Industrial may appear to lie outside the mapped area due to the lack of detail of the Future Land Use Atlas and the actual configuration of a lot or lots. Therefore, the information in ~~Figure 4~~ Table 2.2.2-1 will be used in determining the specific depth of commercial or industrial designations where individual lot lines are not coterminous with a mapped future land use. All disputes regarding land use boundaries, including residential density, will be decided using the Future Land Use Atlas and ~~Figure 4~~ Table 2.2.2-1, where applicable.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 24, 2009  
DATED at West Palm Beach, FL on 10/21/14.  
DOROTHY H. WILKEN, Clerk  
By: William Brown D.C.